IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 228 of 2007(B)

PETITIONER:

V.VISWANATHAN NABEESAN,
HOUSE NO.D4-99, CHOVAYOOR HOUSING COLONY,
KOZHIKODE.

BY ADV. SMT.T.RESMI DAMODARAN

RESPONDENT:

THE KERALA STATE HOUSING BOARD,
REPRESENTED BY THE ADMINISTRATIVE OFFICER,
KOZHIKODE HOUSING UNIT, CHAKKORATHKULAM,
KOZHIKODE.

BY ADV. SRI.A.JAYASANKAR, SC KSHB, TVM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.228 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the notice issued by respondent to the petitioner dtd.10.10.2006.

Ext.P2: Copy of the representation filed by the petitioner before the respondent dtd.8.11.2006.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 228 OF 2007 - B

Dated this the 10th day of August, 2007

J U D G M E N T

The petitioner has approached this Court complaining that for delay in payment of price of house allotted by the respondent, the respondent is demanding unconscionable interest by way of interest, default interest and penal interest. This Court, by order dated 1.3.2007, directed the respondent to consider as to whether the default interest and penal interest can be waived. Now a memo has been filed by counsel for the respondent producing a statement of accounts whereby considerable reduction in interest has been granted to the petitioner and a final balance amount payable by the petitioner has been arrived at Rs.3,96,359/-. Now, the petitioner confines his prayer for a permission to pay off the said amount in instalments.

2. Having heard both sides, I direct the respondent to permit the petitioner to pay the said amount of Rs.3,96,359/- in six equal monthly instalments starting

from 1.9.2007. Every subsequent instalment shall be paid on the first working day of every subsequent month. If the petitioner complies with the above direction, further coercive recovery proceedings shall be kept in abeyance. However, if the petitioner commits default in payment of any one instalment, it would be open to the respondents to continue such recovery proceedings as now initiated without having to issue any fresh notice or proceedings in that regard.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007